

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL DRUMM,

Plaintiff,

v.

MORNINGSTAR, INC.,

Defendant.

NO. C08-03362 TEH


ORDER DENYING
DEFENDANT'S RENEWED
MOTION FOR JUDGMENT AS
A MATTER OF LAW OR, IN
THE ALTERNATIVE, A NEW
TRIAL

The Court is in receipt of Defendant Morningstar Inc.'s Renewed Motion for Judgment as a Matter of Law or, in the Alternative, a New Trial, filed on November 20, 2009. Morningstar moves for judgment in its favor as a matter of law pursuant to Federal Rule of Civil Procedure 50(b), or for a new trial pursuant to Rule 59. Morningstar argues that the jury was wrongly instructed as to the standard for determining whether a sabbatical policy should be considered a vacation subject to California Labor Code section 227.3.

Morningstar raised the same argument in its Motion for Judgment as a Matter of Law pursuant to Rule 50(a),¹ which was brought orally on October 21, 2009, and which the Court denied on November 5, 2009. For the reasons set forth in the Court's Order Denying Motions for Judgment as a Matter of Law (Dkt. 143), Morningstar's motion is DENIED.

IT IS SO ORDERED.

Dated: 11/25/09



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT

¹ Indeed, Morningstar supports its motion by relying exclusively on "the reasons set forth in Morningstar's Rule 50(a) motion and its opposition to" the disputed jury instruction, and attached to its motion its argument on those issues from the trial transcript. Mot. at 1.